

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	File Nos.	EB-02-TC-107
	)		EB-02-TC-109
Charter Communications, Inc.	)		EB-02-TC-116
	)		EB-02-TC-112
)		
	)	CUID Nos.	TX0550 (Mansfield)
	)		TX0711 (Kennedale)
Complaint Regarding	)		TX1214 (Burluson)
Cable Programming Services Tier Rates	)		TX1215 (Edgecliff)

ORDER

Adopted: June 14, 2002

Released: June 17, 2002

By the Chief, Enforcement Bureau:¹

1. In this Order we consider complaints filed against the cable programming services tier ("CPST") rates charged by the above-referenced operator ("Operator")² in the communities referenced above. The Cable Services Bureau has already issued orders ("Prior Orders")³ in which it found Operator's CPST rates in effect through May 14, 1994 to be unreasonable. In its Prior Orders, the Cable Services Bureau stated that its findings "do not in any way prejudice the reasonableness of the prices for CPS service after May 14, 1994 under our new rate regulations."⁴ In this Order, we dismiss the complaints that are still pending against Operator's CPST rates beginning May 15, 1994.

2. Under the Communications Act,⁵ the Commission was authorized, at the time the referenced complaints were filed, to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. In a Memorandum Opinion and Order released July 25,

¹ Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

² The term "Operator" includes Operator's predecessors and successors in interest.

³ *In the Matter of Sammons Communications, Inc.*, DA 95-305, 10 FCC Rcd 3820 (CSB 1995) (CUID TX0550); *In the Matter of Sammons Communications, Inc.*, DA 95-308, 10 FCC Rcd 3826 (CSB 1995) (CUID TX0711); *In the Matter of Sammons Communications, Inc.*, DA 95-304, 10 FCC Rcd 3818 (CSB 1995) (CUID TX1214); *In the Matter of Sammons Communications, Inc.*, DA 95-306, 10 FCC Rcd 3822 (CSB 1995) (CUID TX1215); *refund plan not accepted, In the Matter of Marcus Cable Associates, LP*, DA 98-337, 13 FCC Rcd 10454 (CSB 1998); *appeal denied, In the Matter of Marcus Cable Associates, LP*, DA 99-1906, 14 FCC Rcd 15865 (CSB 1999).

⁴ Prior Orders at n. 1.

⁵ Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

2001 ("Competition Order"), the Cable Services Bureau found that Operator's system serving the communities referenced above is subject to effective competition.⁶ Based on the Cable Services Bureau's finding of effective competition in the Competition Order, Operator's systems in the franchise areas in the communities referenced above are not subject to rate regulation.⁷ Therefore, we dismiss the complaints that are still pending against Operator's CPST rates beginning May 15, 1994.

3. Accordingly, IT IS ORDERED, pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the complaints against Operator's CPST rates beginning May 15, 1994 ARE DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁶ See *In the Matter of Marcus Cable Associates d/b/a Charter Communications*, CSR 5704-E through 5710-E, DA 01-1750, 16 FCC Rcd 14435 (CSB 2001) ("Competition Order"). In the Competition Order, Mansfield, TX was listed as CUID No. TX0549. Our review reveals that the correct CUID No. for Operator's system in Mansfield, TX is TX0550.

⁷ Our decision is based on Cable Services Bureau precedent. See, e.g., *In the Matter of Charter Communications Entertainment II, LP*, DA 98-1554, 13 FCC 17681 (CSB 1998) and *In the Matter of Time Warner Cable*, DA 99-977, 14 FCC Rcd 7806 (CSB 1999) (complaints dismissed where effective competition finding made prior to resolution of complaint).